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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/383,038	08/25/1999	CHARLES B. SCHNAREL	3382-51792	6021

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EXAMINER

SAX, STEVEN PAUL

ART UNIT	PAPER NUMBER
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2174

23

DATE MAILED: 05/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/383,038

Applicant(s)

SCHNAREL ET AL

Examiner

Steven P Sax

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,8 and 13-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,8 and 13-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This application has been examined. The amendment filed 2/23/04 has been entered.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 1, 3-6, 8, 12, 21-28, 32-33, 37-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Bayless et al (6192118 B1).

4. Regarding claim 1, note in Bayless et al: Figure 6, Figure 14, column 2 lines 3-8, 15-20, and 53-63. Note the visual user interface for a telephony device with a screen

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display. This has a display screen with an application program selection area (Figure 6 and column 12 lines 58-65) including controls, a call slip user interface for telephone line state information (column 2 lines 37-45 for example), a user input device to select display elements (column 9 lines 7-10), and a customizable area (Figure 18, Figures 30-31, column 19 lines 25-46). The customizable area includes a data/time pane (Figure 18 and Figure 34), the branding pane (Figures 30-31 show pane windows selected off the customizable area which customize the individual directory and show brand graphics), a message pane for displaying email, answering machine or FAX messages (Figure 34, column 24 lines 40-64), and a task pane (Figure 18) for enabling a user to select an online directory (column 19 lines 27-39, column 17 lines 30-36) and an email service (column 12 lines 54-65), or a speed dial or notetaking service (Figure 18) via the telephony device .

6. Regarding claim 3, as shown above in Figures 18 and 34, the customizable areas have interface panes that display user elements of a corresponding application program.

7. Regarding claim 4, see Figure 34 and column 24 lines 40-64. The message usage pane shows interface elements depicting the type of message.

8. Regarding claims 5-6, the icons in the message pane reflect the status such as that the message was received. See column 2 lines 58-62, column 25 lines 40-50.

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These icons are user interface controls and initiate a message viewer. See column 25 lines 12-15.

9. Regarding claim 8, this shows the same features as claims 1 and 3 and is rejected for the same reasons. Note thus how the branding area is operable to allow a user to connect online, with the brand graphic being associated with the connection site (column 19 lines 27-39, column 17 lines 30-36).

10. Regarding claims 12 and 21 and 46, these show the same features as claim 8 and are rejected for the same reasons. Note also the customizable elements.

11. Regarding claim 22, note again the email element (Figure 34, column 24 lines 40-64).

12. Regarding claim 23, note again the branding pane area (Figures 30-31 as explained in paragraph 4 of this Office Action).

13. Regarding claims 24-27, see again lines 6-8 of paragraph 4 of this Office Action and note those features are described in Bayless et al and are rejected for the same reasons.

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14. Regarding claim 28, state changes are communicated and information is accordingly updated (column 26 lines 37-65 for example).

15. Claims 32-33 and 37-45 show the same features as claims 8, 12-18 and are rejected for the same reasons.

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 13-20, 29-31, and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bayless et al (6192118 B1) and Prinzing (6496202)

18. Regarding claim 13, in addition to the aforementioned, Bayless et al do not go into the details of the programming interface being programmatic, to allow actual programming changes, but do mention the flexibility of customization. Furthermore, Prinzing show a programmatic programming interface that allows actual programming changes, for flexibility of customization (Figures 1, 6, column 5 lines 5-40, column 6 lines 50-66, column 8 lines 3-15 and 32-47). It would have been obvious to a person with ordinary skill in the art to have the programming interface in Bayless et al be programmatic, because it would allow flexibility in customization.

19. Claims 14-18 show the same features as claim 13 and 3-6 and are rejected for the same reasons.

20. Regarding claim 19, in addition to the aforementioned, note that the programming shell structure is mentioned as well as being implicit. See Prinzing column 8 lines 10-41).

21. Claims 20, 29-31, and 34-36 show the same features as mentioned in the preceding claims 13-19 and are rejected for the same reasons.

22. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.


23. With respect to the comments on Bayless et al, the online and email service are shown in the aforecited passages as shown above. The branding pane, as recited, is shown in the aforecited passages. Note also that an email element may be any element associated with an emailing function or operation. Note also the visual indications in Bayless et al. Email messages indeed may be composed on Bayless et al. Applicant is invited to contact Examiner to discuss claim interpretation in view of the references.

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24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P Sax whose telephone number is 703-305-9582. The examiner can normally be reached on M-F 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 703-308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


STEVEN SAX
PRIMARY EXAMINER